

## **REMARKS**

Claims 1-14 are pending in this application.

Claims 9-11 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0096608 to Mortensen et al (hereinafter “Mortensen”). Claims 1-8 and 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortensen in view of U.S. Patent No. 6,771,624 to Lu.

Mortensen discloses a mobile phone capable of storing more than one parameter set. Upon detection of a congestion condition, the mobile phone selects an alternate parameter set (a parameter set different than the one the mobile phone currently communicates with) in order to change the interleaving length and corresponding communication parameters (paragraph 0018).

The portions of Mortensen cited by the Examiner are not applicable to the present invention. The “scheduling” mentioned by Mortensen in paragraph 0024 is in connection with “scheduling of data services,” which is a RRM function. This is not the same as scheduling RRM procedures, as is claimed in independent claims 1 and 9 of the present application.

Paragraph 0002 of Mortensen describes a prior art method of controlling a communication load in a GSM network in which communication requests are rejected to control the network load. Mortensen contains no further discussion of

rejecting communication requests, and in fact teaches away from rejecting communication requests to control the network load. As disclosed in paragraph 0014:

The present invention is particularly advantageous in that it enables to handle a congestion situation without service refusal and without deteriorating the sound quality. (emphasis added)

As the Examiner equates service rejection with placing a radio link into a busy state (“one skilled in the art would immediately envision that rejection is an inherent function of the process of placing the radio link into a busy state”; paragraph no. 2 of the Office Action) and because Mortensen handles a congestion situation without service refusal, Mortensen does not place a radio link into a busy state. Conversely, Mortensen also does not place the radio link into an idle state. When the congestion situation has been resolved, the mobile phone is switched to its initial parameter set (paragraph 0032).

Paragraph 0034 of Mortensen relates to changing parameter sets and that multiple parameter sets can be used “in order to allow a finer level of adaptation” to changing network conditions. When a parameter set is changed, the interleaving length and other communication parameters (such as coding length and power) are changed (paragraph 0031). This is not equivalent to preparing a set of predicted measurements as recited in independent claim 9.

The disclosure of Mortensen is limited to changing an interleaving length in connection with relieving a congestion condition (paragraphs 0030 and 0033). This narrow focus is in contrast to the present invention, which permits any RRM procedures to be selected for execution upon receipt of an appropriate trigger.

Lu relates to a method for prioritizing system algorithms. In Lu, a number of system algorithms are prioritized according to a general priority if the algorithms are triggered at the same time (column 3, lines 23-25). If the problem the algorithms were to address has not been solved after executing the algorithms according to their initial priority, then the algorithms are assigned different priorities in order to attempt to use a different algorithm to solve the problem (column 3, lines 26-29).

Lu applies a simple pass/fail result to a situation before assigning different priorities to the same set of algorithms. This is not equivalent to analyzing the results of selected RRM procedures and choosing a subset of selected RRM procedures to determine an optimal set of results as recited in independent claim 1.

Based on the foregoing remarks, the disclosure of Mortensen does not anticipate independent claim 9 and a combination of Mortensen and Lu does not lead one of ordinary skill in the art to the invention recited in independent claim 1. Therefore, the independent claims (i.e., claims 1 and 9) are distinguishable over the cited references. Because the independent claims are distinguishable over the cited

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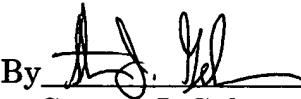
references, the dependent claims (i.e., claims 2-8 and 10-14) are also distinguishable over the cited references without the need for additional comment.

It is respectfully submitted that the remarks made herein place pending claims 1-14 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-14 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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